

Kansas City Lawsuit  
Special PR No. K8-62  
Wednesday, June 27, 1962

Confidential for Members

Ross vs. Philip Morris, Inc.

Plaintiff's counsel Field opened Wednesday's court session by reading portions of the redirect examination from the deposition of Dr. Alton Ochsner, consisting largely of quotations from scientific papers on smoking and cancer and Ochsner's agreements with them.

Howard Harris, retired jewelry salesman, took the stand as a character witness for plaintiff Ross. He was followed by Eugene C. Ryan, menswear salesman, who said he had known the plaintiff since he (Ryan) was 15 years old, had seen Ross smoking Philip Morris prior to his departure for California in the early 1920's, and had also then heard him discuss Philip Morris advertising and claims therein that the cigarettes were kind to the throat. On cross-examination, Hardy pointed out that Ross himself had testified that he had not begun to smoke Philip Morris until the brand first became available in Kansas City in 1933. Hardy also uncovered a large number of other discrepancies in the witness's testimony, and Ryan became steadily more confused and evasive.

The remainder of the session, which closed early, was devoted to reading the deposition of Dr. Clarence D. Wright, taken in Washington, D. C., November 18, 1959. Dr. Wright, now retired, in 1942 and 1952 made a series of measurements of chloroform-soluble extracts of smoke from Philip Morris cigarettes and from five other brands, for the Federal Trade Commission, while working as a chemist for the Food and Drug Administration. In both experiments, he reported that Philip Morris had the highest average content of tars and resins of the brands tested.

The deposition included cross-examination in which Hardy brought out numerous technical and scientific deficiencies of the experiments, as well as discrepancies between the first experiment and the one performed a decade later. In this testimony, Dr. Wright failed to remember almost all of his own statements about the experiments, made in FTC hearings, even after his memory was refreshed by direct quotation from the transcripts.

Counsel for the defense hopes to open its case Thursday afternoon with the testimony of Dr. Louis H. Clerf.

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The Kansas City Star continues to report the trial daily. Some Associated Press stories in other cities have been seen.

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